



Benjamin J. Schladweiler  
100 S. West Street, Suite 400 • Wilmington, DE 19801  
Direct Dial: 302.576.1608 • Facsimile 302.576.1100  
bschladweiler@ramllp.com

November 22, 2016

**VIA E-FILING & HAND DELIVERY**

The Honorable Richard G. Andrews  
J. Caleb Boggs Federal Building  
844 N. King Street  
Unit 9, Room 6325  
Wilmington, Delaware 19801-3555

**Re: *Delaware Display Group LLC v. LG Electronics, Inc.*  
C.A. No. 13-cv-2109-RGA (D. Del.)**

Dear Judge Andrews:

I write on behalf of the LG Defendants in the above-referenced case to provide a brief follow up to the *Daubert* hearing conducted on Friday, November 18, 2016, wherein the Court heard testimony from Plaintiffs' damages expert Dr. Kennedy. At the conclusion of the hearing, the Court indicated it intended to deny Defendants' motion to strike Dr. Kennedy's testimony. The Court stated that it was swayed especially by the fact that "Defendants' experts used the same methodology" as Dr. Kennedy's methodology. We write only to correct this misimpression. Although it is not clear whether the Court will ultimately rely on this misimpression, the LG Defendants wanted to quickly correct the record in view of the fact that LG's pre-trial conference and trial are set to take place following the Thanksgiving holiday.

It is true that Defendants' experts "use" Dr. Kennedy's methodology in their rebuttal reports, but this "use" is neither an endorsement nor a statement that the methodology is at all appropriate. To the contrary, Defendants' experts "use" Dr. Kennedy's methodology only in their critique and analysis of it. *See, e.g.*, Defendants' Reply in Support of Their Motion to Exclude Expert Testimony of Patrick F. Kennedy, D.I. 458, at fn. 2 (explaining that Defendants' experts were responding to Dr. Kennedy and doing so *in arguendo*); *see also, e.g., id.* at Ex. 18 ¶¶ 66-71 (exemplary criticism by Vizio's expert). Had they not done so, it would be an easy criticism of *Defendants'* experts to suggest they could not properly critique an analysis (or methodology) they have not undertaken.

The Honorable Richard G. Andrews

November 22, 2016

Page 2

Respectfully submitted,

*/s/ Benjamin J. Schladweiler*

Benjamin J. Schladweiler (#4601)

cc: Clerk of the Court  
All Counsel of Record